



**MINUTES OF SPECIAL JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF THE  
CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, April 23, 2002, 8:00 p.m.**

---

**MEETING**

The Special Joint City Council/Redevelopment Agency Meeting of the City of Hayward was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Mayor Cooper.

**ROLL CALL**

Present: COUNCIL/RA MEMBERS Jimenez, Hilson,  
Rodriguez, Ward, Dowling, Henson  
MAYOR/Chair Cooper  
Absent: None

**PRESENTATION:** National Volunteer Week (April 21-27) Recognitions

Mayor Cooper and the City Council honored various volunteers from throughout the City. These individuals staff the information desk at City Hall, care for the animals awaiting adoption at Animal Services, volunteer for water pollution control projects, are literacy tutors, help at the Library, volunteer at the Police Department, and are members of the Public Safety Ambassadors downtown. Donna Fitzwater, Volunteer Coordinator, introduced each group who was presented a Certificate of Appreciation from the City by Mayor Cooper.

**PUBLIC COMMENTS**

Lawrence Kohl, representing the Hayward Youth Orchestra, invited everyone to a performance of the Pacific Chamber Symphony at Chabot College on May 5.

David Lusch announced a community service opportunity, Project Positive Impact, Campfire USA, National Children's Cancer Society on May 10. He said they need more participants in the project.

Eloise Beverly, Hayward resident, asked for enforcement of traffic regulations on Whitman Street. Mrs. Beverly suggested hiring retired Police Officers to assist in catching speeders.

Marlene Teel, representing Hayward's Neighborhood Alert Program, said it was their 25<sup>th</sup> anniversary in Hayward. She noted some of their accomplishments.

Robert Lopez commented on his freedom of speech relative to the Public Comments period of the Agenda.

Jason Moreno discussed the work schedule for Hayward Police Officers.

**DRAFT**

Henry Villalobos invited everyone to the Cinco de Mayo celebration at City Hall on May 4.

Barbara Swarr commented on a recent meeting of the Neighborhood Alliance.

Roy Gordon discussed a traffic study, which included Bus Rapid Transit alternatives. He then congratulated City Clerk Reyes on her recognition as City Clerk of the Year.

William Blundin commented on the Brown Act and free speech. He said the spirit of the law is to have more openness not less. He suggested calling Assistant District Attorney Jeff Stark with complaints.

Mayor Cooper honored City Clerk Reyes for being named "City Clerk of the Year" by the California City Clerk's Association. Ms. Reyes spoke briefly and thanked her staff for their support.

#### **CONSENT**

Consent Item 5 was removed for further information and comment.

1. Slurry Seal, Pavement Repair, and Rehabilitation 2002-03: Approval of Plans and Specifications and Call for Bids

Staff report submitted by Deputy Director of Public Works Bauman, dated April 23, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

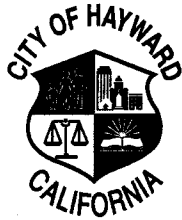
Resolution 02-046, "Resolution Approving Plans and Specifications for Pavement Rehabilitation 2002/03, Project Nos. 5127 and 5129, and for Slurry Seal 2002/03, Project No. 5128, and Call for Bids"

2. Fire Station No. 2 Driveway: Approval of Addendum No. 1, Award of Contract and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Bauman, dated April 23, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 02-047, "Resolution Approving Addendum No. 1 and Awarding Contract to Rosas Construction for the Fire Station No. 2 Driveway Construction Project, Project No. 6959"



MINUTES OF SPECIAL JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF THE  
CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, April 23, 2002, 8:00 p.m.

---

Resolution 02-048, "Resolution Amending Resolution 01-097, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2001-02, Relating to an Appropriation of Funds for the Fire Station No. 2 Driveway Construction Project, Project 6959"

3. Fire Station No. 5 Modification: Approval of Addendum No. 1, Award of Contract and Appropriation of Funds

Staff report submitted by Deputy Director of Public Works Bauman, dated April 23, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 02-049, "Resolution Approving Addendum No. 1 and Awarding Contract to G.M.I. Construction for the Fire Station No. 5 Modification, Project No. 6926"

Resolution 02-050, "Resolution Amending Resolution 01-097, as Amended, the Budget Resolution for Capital Improvement Projects for Fiscal Year 2001-02, Relating to an Appropriation of Funds for the Fire Station No. 5 Modification, Project 6926"

4. Accessing State and Local Summary Criminal History Information for Employment, Licensing, or Certification Purposes

Staff report submitted by Administrative Analyst Bruno, dated April 23, 2002, was filed.

It was moved by Council Member Henson, seconded by Council Member Jimenez, and unanimously carried to adopt the following:

Resolution 02-051, "Resolution Authorizing the City Manager to Allow the Police Department to Access State and Local Summary Criminal History Information for Employment, Licensing, or Certification Purposes"

5. Authorization to Amend Agreement for Environment Services and Authorization for the Solicitation of Bids for Hazardous Materials Abatement and Deconstruction of City-owned Buildings on Site 4

Staff report submitted by Redevelopment Director Bartlett, dated April 23, 2002, was filed.

Robert Lopez asked whether the property would be used for low-or moderate-income housing since that was the financing. In response it was noted that it had not been determined yet and in the event that it was decided the property would not have low- or moderate-income housing, the funds would be reimbursed to the fund.

It was moved by Council/RA Member Ward, seconded by Council/RA Member Henson, and unanimously carried to adopt the following:

RA Resolution 02-03, "Resolution Authorizing the Executive Director to Execute an Amended Agreement for Additional Environmental Services and Appropriation of Funds"

RA Resolution 02-04, "Resolution Authorizing the Executive Director to Solicit Bids for Hazardous Materials Abatement and Building Deconstruction and Appropriation of Funds "

## HEARINGS

6. Zone Change No. PL-2001-0223 and Tentative Tract Map No. 7341 - Brian Purcell for PF Trust (Applicant), Brian and Kimberly Purcell (Owners) – Request to Vacate Excess Right-of-Way, Rezone Property from Commercial Office (CO) District to Planned Development (PD) District and Approve a Tentative Tract Map - Project Located at 338 Winton Avenue at the Northwest Corner of Alice Street

Staff report submitted by Associate Planner Koonze, dated April 23, 2002, was filed.

Principal Planner Patenaude discussed the proposed project. He noted that this project varies from most single family and multi-family units because their properties are detached, although this is not uncommon in other communities. The project also requires a vacation of right-of-way along Winton Avenue. Staff and the Planning Commission recommended approval of the project.

Council Member Jimenez asked why this project was before Council, he was told that the hearing was required since there is a zone change and vacation of right-of-way.



**MINUTES OF SPECIAL JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF THE  
CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, April 23, 2002, 8:00 p.m.**

---

Council Member Henson seemed to recall similar projects in Hayward. He was told that the project he had in mind consisted of single-family detached homes, and was more of a traditional subdivision.

Council Member Ward asked about the project on University Court, close to Highland Elementary School with townhouses that seem similar in nature. City Manager Armas suggested that the project accommodate the topography. This is different from that. Council Member Ward asked whether they were setting a standard for the area. He was told that most of the parcels in the area are in use. Perhaps new applications would be for re-use and should be considered on their own merit at the time of application.

Council Member Hilson expressed concern regarding safety when children are present in the parking and common paved areas. He also asked whether there were windows on the units on the side facing this area. He asked that signage be installed and how it would be enforced. Lastly he expressed further concern that there are a total of twenty bedrooms, and six children could be expected to reside in the project.

Staff responded that very dense linear landscaping could be installed with wrought iron fencing. Windows will be installed on those walls for light only. There will be a homeowners association that will enforce parking regulations.

Council Member Rodriquez emphasized that the school formula does not always work since the schools are impacted by new development.

Mayor Cooper commented on the concept of community gardening as well as open space that could be owned by all of the property owners of this development.

Council Member Ward suggested that in the future, developers should not include bathrooms adjacent to the kitchen.

Council Member Henson asked about the vacation of the excess right-of-way. He wondered whether the City is selling or contributing the land. He was told that the City of Hayward only had an easement to the property, not ownership of it.

Mayor Cooper opened the public hearing at 9:40 p.m.

Brian Purcell, developer, spoke on behalf of the project and introduced the architect who described much of the project, as well as the zero-lot line.

Joe Kliser spoke in favor of the project for his neighborhood.

**DRAFT**

Mayor Cooper closed the public hearing at 9:55 p.m.

Council Member Dowling thanked the developer and staff for all their hard work on the project. He said he liked the porches and having the garages behind the units.

Council Member Henson said he would support the motion since it will create a good opportunity for homeownership in the City. He suggested adding a sentence to Condition 36 requiring the use of graffiti resistant materials on the wall.

Council Member Rodriquez also commented on the location of the bathroom next to the kitchen.

Mayor Cooper said she would reluctantly oppose the project. She expressed concern that so little open space is available to the eight homes.

It was moved by Council Member Jimenez, seconded by Council Member Dowling, and carried by the following vote to introduce and adopt the following:

Introduce Ordinance 02-\_\_, "Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Rezoning Certain Territory Located at 338 Winton Avenue Pursuant to Zone Change Application No. 2001-0223

Resolution 02-152, "Resolution Approving Tentative Tract Map No. 7341 and Zone Change Application No. 2001-0223, Conditionally Approving the Preliminary Development Plan and Certifying that the Initial Study and Negative Declaration have been Completed in Compliance with the California Environmental Quality Act"

AYES: Council Members Jimenez, Rodriquez, Ward,  
Dowling, Henson

NOES: Council Member Hilson  
MAYOR Cooper

ABSENT: None

ABSTAINED: None

## **COUNCIL REPORTS**

Council Member Hilson gave a brief report on a League of California Cities meeting, noting that the League is considering moving the annual conference date and expanding the board of directors.

Council Member Henson also gave a brief report from a Task Force of the National League of Cities related to support for a Congressional bill, HB 3397, related to commercial stations requiring them to vacate the spectrum band.



**MINUTES OF SPECIAL JOINT CITY COUNCIL/  
REDEVELOPMENT AGENCY MEETING OF THE  
CITY OF HAYWARD  
City Council Chambers  
777 B Street, Hayward, CA 94541  
Tuesday, April 23, 2002, 8:00 p.m.**

---

**ADJOURNMENT**

Mayor Cooper adjourned the meeting at 10:13 p.m.

**APPROVED:**

---

Roberta Cooper, Mayor, City of Hayward  
Chair, Redevelopment Agency

**ATTEST:**

---

Angelina Reyes, City Clerk, City of Hayward  
Secretary, Redevelopment Agency

**DRAFT**